

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HONEYWELL INTERNATIONAL, INC.,

Plaintiff,

v.

2GIG TECHNOLOGIES, INC.,

and

SCOTT SIMON,

Defendants.

09 CIV. 09-5156 (LDW) (ARL)

JURY TRIAL DEMANDED

NOTICE OF MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE

PLEASE TAKE NOTICE that upon the annexed Affidavit of Matthew D. Powers in support of this Motion and the materials annexed thereto, we will move this Court, before the Honorable Arlene R. Lindsay, at the United States Courthouse for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, for an Order granting Matthew D. Powers *pro hac vice* admission to this Court to argue and try the above-captioned action, in whole or in part, as counsel for Defendants 2GIG Technologies, Inc. and Scott Simon pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Eastern District of New York. Matthew D. Powers is a partner of the firm of Weil, Gotshal & Manges LLP and a member in good standing of the Bar of the State of California. There are no pending disciplinary proceedings against Matthew D. Powers in any State or Federal Court.

Dated: New York, New York
December 29, 2009

Respectfully submitted,

/s/ Robert S. Berezin

Robert S. Berezin (RB-4749)
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*Attorney for Defendants 2GIG
Technologies, Inc. and Scott Simon*

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*Attorneys for Plaintiff
Honeywell International, Inc.*

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**AFFIDAVIT OF MATTHEW D. POWERS IN SUPPORT OF
MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE**

MATTHEW D. POWERS, being sworn, hereby deposes and states as follows:


1. I am a partner with the law firm of Weil, Gotshal & Manges LLP. I am resident in the Silicon Valley office of the firm.
2. I submit this Affidavit in support of my Motion for an Order granting Matthew D. Powers *pro hac vice* admission to this Court to argue and try the above-captioned action, in whole or in part, as counsel for Defendants 2GIG Technologies, Inc. and Scott Simon pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Eastern District of New York.
3. I was admitted to practice before the courts of the State of California on December 3, 1982. I have been and am currently a member in good standing of the Bar of the State of California. My Certificate of Good Standing in the Bar of the State of California, dated December 18, 2009, is annexed hereto.

4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Because no novel issue of law is involved in this Motion, I request that this Court waive the requirement of a supporting memorandum of law pursuant to Local Civil Rule 7.1 of the United States District Court for the Eastern District of New York.
6. Also annexed hereto is a Proposed Order granting this Motion.
7. There has been no prior application for the relief requested herein.

WHEREFORE, it is respectfully requested that this Court grant Matthew D. Powers *pro hac vice* admission to the Bar of this Court for the purpose of arguing and trying this one case.

Dated: 12/29/09

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matt Powers", written over a horizontal line.

Matthew D. Powers

matthew.powers@weil.com

Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3200
Facsimile: (650) 802-3100

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

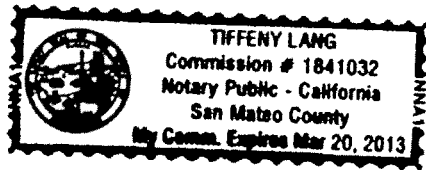
State of California

County of San Mateo

On 12/29/09 before me, Tiffany Lang, Notary Public

personally appeared Matthew Douglas Powers

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Tiffany Lang

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Affidavit of Matthew D. Powers

Document Date: 12/29/09

Number of Pages: 4

Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: Matthew D. Powers

☒ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

himself

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

December 18, 2009

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MATTHEW DOUGLAS POWERS, #104795 was admitted to the practice of law in this state by the Supreme Court of California on December 3, 1982; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Sima La Fontaine
Custodian of Membership Records

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PROPOSED ORDER

The motion for admission to practice *pro hac vice* in the above-captioned action is GRANTED. The admitted attorney, Matthew D. Powers, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney admitted to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms the appearance of Matthew D. Powers as counsel in this case, and it will be entered on the Court's docket. A notation of the *pro hac vice* admission of Matthew D. Powers for the above-captioned action will be made on the roll of attorneys.

The attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: Central Islip, New York
January __, 2010

Hon. Arlene R. Lindsay

cc: Court File

Matthew D. Powers
matthew.powers@weil.com

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201 Redwood Shores Parkway
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Telephone: (650) 802-3200
Facsimile: (650) 802-3100

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that copies of the foregoing were caused to be served on December 29, 2009 upon the following in the manner indicated:

VIA CM/ECF

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*Attorneys for Plaintiff
Honeywell International, Inc.*


Bin Wang